

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

FILED  
JAMES BONINI  
CLERK

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U.S. DISTRICT COURT  
SOUTHERN DIST OHIO  
WEST DIV CINCINNATI

BRENDA K. HURSTON

:

CASE NO. C-1-01-313

Plaintiff

:

Judge Weber; Black M.J.

-VS-

:

BUTLER COUNTY DEPT. OF  
JOB AND FAMILY SERVICES

**NOTICE OF FILING THE  
AFFIDAVIT OF  
SADIE A. WILLIAMS**

COME NOW, Plaintiff, Brenda K. Hurston hereby gives notice of the filing of the affidavit of Sadie A. Williams, which is being submitted in support of plaintiff's response motion and memorandum in opposition to defendant's motion of summary judgment and motion to strike exhibits previously filed herein on April 8<sup>th</sup>, 2005.

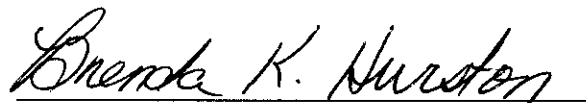
Respectfully submitted,



Brenda K. Hurston  
1812 Grand Avenue  
Middletown, OH 45044  
(513) 420-9692

**CERTIFICATE OF SERVICE**

I, Brenda K. Hurston, hereby certify that a true and correct copy of the within was sent by regular mail to Jack C. McGowan, Attorney for Defendant, Butler County Department of Job and Family Services, 246 High Street, Hamilton, Ohio 45011, this 6<sup>th</sup>, day of May 2005.



Brenda K. Hurston, Plaintiff, Pro Se

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

BRENDA K. HURSTON	:	CASE NO. C-1-01 313
Plaintiff	:	M.J. Judge: Timothy S. Black
-vs-	:	
BUTLER COUNTY DEPT. OF JOB AND FAMILY SERVICES	:	<b>AFFIDAVIT OF SADIE A. WILLIAMS</b>
Defendants	:	

::: :::: :::: :::: :::: :::: :::: ::::

STATE OF OHIO	)	
	:	
COUNTY OF BUTLER	)	

**AFFIDAVIT OF SADIE A. WILLIAMS IN SUPPORT OF PLAINTIFF'S  
RESPONSE IN OPPOSITION OF SUMMARY JUDGMENT AND MOTION TO  
STRIKE EXHIBITS**

SADIE A. WILLIAMS being first duly sworn on oath and with personal knowledge of the information contained herein, respectfully states to the U.S. District Court as follows:

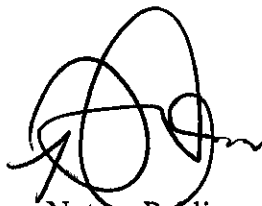
1. I am over eighteen years of age and am competent to testify as to the matters here set forth.
2. My gender is female and my racial identity is African American.
3. I reside at 1309 Woodlawn Ave., Middletown OH 45044.
4. I am unmarried. I am presently employed Middletown's USPS.
5. On Friday, September 10, 2004, at 9:08 A.M., my deposition was taken by Pamela L. Jackson and concerns the above case.
6. During the deposition, I identified the plaintiff's exhibit 27, which is the same as exhibit 100-2 (four-page Affidavit of Brenda K. Hurston), also (see Sadie Williams depo, September 10, 2004, p. 143, l. 15-25, p. 144, l. 1-6, & 25, p. 145, l. 1-9).

7. On Tuesday, October 17, 2000, during Brenda's scheduled appointment, I do recall Brenda Hurston highlighting in yellow of SECTION 1, of Plaintiff's Exhibit 100-1, the numbers: 1. Your Race; 4. Your religious beliefs; 5. Your Age (if you are over age 40); 7. Your disability, and 8. Retaliation for the following:
- Because you opposed an act violating one of the laws enforced by the EEOC;  
Because you participated in any way in an investigation or proceeding conducted by the EEOC; or  
Because you associated with someone protected by one of the laws enforced by the EEOC.
8. Brenda and I were discussing which ones she should high light as she was highlighting the numbers with a yellow high-liter marker.

I declare under penalty that the foregoing is true to the best of my knowledge and belief.

  
Sadie A. Williams

SUBSCRIBED AND SWORN TO before me this 22 day of April, 2005.

  
Notary Public



**BRIAN W. COLLINS**  
Notary Public, State of Ohio  
My Commission Expires  
March 8, 2010

STATE OF OHIO

CASE NAME Hurston vs BUTLER CO

CITY/COUNTY OF Middletown/Butler

CASE NUMBER

## AFFIDAVIT

I, Brenda K. Hurston being first duly sworn upon my oath affirm and hereby say:  
(Name)

I have been given assurances by an Agent of the U.S. Equal Employment Opportunity Commission that this Affidavit will be considered confidential by the United States Government and will not be disclosed as long as the case remains open unless it becomes necessary for the Government to produce the affidavit in a formal proceeding. Upon the closing of this case, the Affidavit may be subject to disclosure in accordance with Agency policy.

I am 41 years of age, my gender is Female and my racial identity is Black.  
(sex) (race)

I reside at 1812 Grand Avenue,  
(Number/Street)

City of Middletown, County of Butler,

State of OH, Zip Code 45044.

My telephone number is (including area code) (513) 420-9692.

My statement concerns BUTLER CO DEPT OF JOB & FAMILY SERV which is  
(Name of Union/Company/Agency)

located at 315 High Street P O Box 4000,  
(Number/Street)

in Hamilton OH 45012-4000.  
(City) (State) (Zip)

My job classification is (If applicable) Machine Operator II.  
(job title)

My immediate supervisor is (If applicable) Linda Day, Middletown Office Manager.  
(Name) (job title)

Butler County has approximately 210 employees in Hamilton and about 50 in Middletown, Ohio.

I was hired as a Data Entry Operator on June 6, 1988 and became a Machine Operator on October 2, 1988. Some of my duties include handling most of the department's printing needs, reproducing both forms and office memos and reports. I also have responsibility for the agency's supply room, which included maintaining a perpetual inventory of all office supply items and maintaining documentation related to this. I also am required to clean the area where I work; however, the white male who preceded me in this department did not have to clean his work area. Because of my disabilities, Benny Goins (Custodian, Black) does assist me with lifting, unpacking paper, some filing, etc., on an as needed basis. He also helps other department staff do their filing. I am also the only one being required to keep a daily log of my activities. Ms. Day originally said this was so they could prepare an updated Position Description for my position. I already have a Position Description. I do not know of anyone else who is having their positions updated.

There are 9 of us who have Linda Day (Middletown Office Manager, White) as our supervisor. I am the only Machine Operator II and the only Black female. There is one Black male; the rest are White females. My

BKH  
(initials)

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STATE OF OHIO  
CITY/COUNTY OF Middletown/ButlerCASE NAME Hurston vs BUTLER CO  
CASE NUMBER \_\_\_\_\_**AFFIDAVIT (cont.)**

disabilities include: osteoarthritis and several related feet disabilities. I have tarsal coalition which refers to the fact that the bones in my feet have grown together. They had to be broken in 1992 and a screw was put in from the front base of my ankle through my heel to create some flexibility so I can walk, stand, etc. I also have exostosis, which I am not sure what that is, but the bone tissue in my feet keeps growing and it causes a great deal of pain when I walk, stand, etc. I need another operation for this. I also have a partial hearing impairment, which also affects my speech. I am not claiming this impairment as one of the reasons for the discrimination Linda Day is showing towards me. Linda Day is aware of all of these disabilities.

Around July 13, 2000, Linda Day took away some of my ordering duties and gave them to Jennifer Buker (Clerk 2 in Hamilton, White, no known disabilities). Ms. Day told me they were doing this for a 30 day trial period because the ~~forms~~ <sup>Forms</sup> we were using were going to be ~~obsoleted~~. <sup>Place on the computer's Omni System</sup> However, this is one task I was able to do without impacting my disabilities. In exchange, I was given an increased and multiple printing and collating taskload which is much more difficult for me to do, move, lift, etc. because of my disabilities..

On August 17, 2000, Linda Day (Middletown Office Manager, White) gave me a verbal warning for being late returning from my 15 minute break. You can take a break anytime in the afternoon. On the day in question, I went from 3:09 to 3:24 according to the clock in the back of the office. However, the clock in the front of the office is 3 minutes faster. I believe someone reported me late using the clock in the front. Malissa Gulley (Front Desk and in my department, White) goes on breaks for longer than 15 minutes all the time, but is not written up. Linda Day knows this too because they go on break together.

On August 18, 2000, Linda Day gave me a second verbal reprimand. She again brought up the issue of the long break from the day before, but added that some of my co-workers (Names Unknown and not provided to me) were complaining that I had approached them in an unprofessional manner. I deny this: I am professional with everyone. She did not give me any more details. I do not know of anyone at my level in my department who

I have read and had an opportunity to correct this Affidavit consisting of 10 handwritten ☐ typed ☒ pages and swear that these facts are true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me  
this 6<sup>th</sup> day of November 2000

Brenda K. Ayres

x Brenda K. Hurston 11/6/00



Brenda K. Ayres, Notary Public  
In and For the State of Ohio  
My Commission Expires July 14, 2005

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 Equal Employment Opportunity Commission  
 Affidavit, Additional Text  
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has been unprofessional. Although, Mary Jane Benoy (Front Desk, White) did say something to Malissa Gulley (Front Desk, White) about her manner. Linda Day probably did say something to Mary Jane about this.

On August 21, 2000, because of my osteoarthritis, tarsal coalition, and exostosis, my doctor recommended I request two items to accommodate these disabilities: an Eldon Utility Cart and an Adjustable Task Chair. On October 3, 2000, I was provided an adjustable task chair, ~~but I am still being denied an Eldon Utility Cart.~~ <sup>Oct 27, 2000</sup> I had verbally asked for this cart, which has handles and made of lighter plastic instead of metal, in 1998. It was given to Dawn Sullivan, who has no disabilities. I was given a heavier metal one with no handles. This cart causes me a great deal of pain because of my feet and osteoarthritis disabilities to move it, particularly when it is loaded with supplies and other tasks I have to do. I do not see why Dawn Sullivan without disabilities should be able to have a cart I can use, while I am being denied this.

On October 17, 2000, Ms. Day verbally told me that as of that day I will receive a written reprimand because I refused to give her my personal written documentation. On October 18, 2000, she gave me a written reprimand for insubordination because Linda said I refused to comply with a direct request to relinquish all documentations of co-workers comings and goings throughout the process of the workday and I did not come to her with my difficulties. She also said that I had gone to the Security Officer "Cat" Sherry Compton (White) and approached her in an unprofessional and disrespectful manner. I did approach "Cat" in a humble manner and I said to "Cat", "I want to ask you something, and if I hurt your feelings or whatever, Please forgive me, because that is not what I'm trying to do. I am in a position here at work where I feel very uncomfortable for lots of reason; But I want to ask you, Are you watching me?" "Cat" replied: "Am I'm watching you, why would I be watching you? I told "Cat" that my friend Sadie, had just been fired and she have been in the back a lot (10:00 am until 4:00 pm). Also, Linda Day had asked another Security Officer, Mike Brockman (White) to watch me about 1 year ago. Ms. Day said she was having problems with him and she requested he be transferred to Hamilton.

There have been rumors that we are currently overstaffed, and the agency is getting rid of the old employees. I believe I am being set up for discharge because of my race, Black, and my disabilities. Also, in February, 1999, I wrote Linda Day up for using cuss words in my presence. I had told her that this was offensive to me because of my religion Jehovah Witness, but she continued to use them. I do not think she has forgotten that I made this formal complaint, even though it was more than 1 year ago. Ms. Day also gave me an unfair evaluation in June, 2000. I do not know if this is because of my race, disabilities, or retaliation for my reporting her. I do make logical decisions; and volunteers to help my co-workers, even though Ms. Day states that I don't. It is also my belief that Linda Day tried to sabotage my work on the computer by telling me that I couldn't take work home. Malissa Gulley was taking (my) work home, with Linda Day permission and copying my order on a computer disk. Linda Day & Malissa Gulley both has asset to my password. On Aug. 2, 2000, I placed an order with Office Depot. However, on that same day someone called Office Depot and canceled my order indicating that there were items miss off my order, but there aren't any item missing. The original order was re-keyed into the computer, leaving out index cards. On Monday, August 7, 2000 I noticed that Linda Day was talking to Nicki Gaw (person who had placed the order with me and who supervisor is June Hom), the conversation seem very involved. Approximately 15 minutes later, I asked Nicki was her order OK? She said that she did not receive her index cards.



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Sadie A. Williams (former employee, Black) will be a witness for me. She can be reached at 4265 Mallard Court; Middletown OH 45044; 513/424-5385. Sadie was a CMS worker. June Hom (White) was her supervisor. She was fired and we both believe that Linda Day set her up, <sup>by copying</sup> to fired too. Sadie also felt that Linda Day had Security watch her. I <sup>Sadie's</sup> am checking on other possible witnesses and will provide names and <sup>cms</sup> numbers. Benny Goins (Black) was also being treated the same way I am <sup>files</sup> being treated. He was going to quit because of this, but someone encouraged him to complain to Linda Day. Ms. Day has stopped harassing him and giving him additional duties since he complained.

My Rheumatologist is Robert A. Schriber, M.D. at: 130 West Second Street Suite 1430 in Dayton, Ohio 45402. His number is 937/223-4012. Another doctor is Leonard R. Janis, D.P.M., Inc. of the Janis Foot and Ankle Center at 455 Industrial Mile Road, Columbus OH 43228; 614/272-7805.

I am seeking that the harassment and different terms and conditions of employment stop, that my disabilities be accommodated, ~~the~~ the disciplinary actions be removed from my file, and any and all other remedies allowed under the law.

\* The Agency feel that I was responsible for Sadie Williams having knowledge of a file that was on Linda Day desk, June Hom. approached Sadie + told her, I looked on Linda's DESK + saw Sadie's file. I did not look on Linda Day desk.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
CINCINNATI AREA OFFICE  
PRE-CHARGE INSTRUCTIONS AND CHECKLIST

This information is being given to you to help you decide whether or not your employment problem can be handled by the United States Equal Employment Opportunity Commission (EEOC). IT IS NOT MEANT TO DISCOURAGE YOU FROM FILING A COMPLAINT. If you have difficulty understanding these instructions or need special assistance, ask to speak to one of the investigators on intake duty.

Our TDD telephone number for hearing and/or speech impaired persons is (513) 684-6698.

Sometimes employment practices are unfair, but not illegal. If you answer "YES" to the following question, you probably have the basis for filing a charge with this agency. Generally, a charge must be filed within 300 days of the date the alleged act of discrimination occurred. (NOTE: IF YOU HAVE ALREADY FILED A COMPLAINT WITH THE OHIO CIVIL RIGHTS COMMISSION COVERING THE SAME ACTIONS, IT IS NOT NECESSARY FOR YOU TO ALSO FILE WITH THE EEOC. STOP AND ASK TO SPEAK TO AN INVESTIGATOR BEFORE PROCEEDING).

SECTION 1

We can take only charges of illegal discrimination. This means that the unfair treatment you claim to have received must have happened because of one or more of the reasons below:

1. Your Race
2. Your Sex
3. Your National Origin or Ancestry
4. Your Religious Beliefs
5. Your Age (if you are over age 40)
6. Your Pregnancy
7. Your Disability
8. Retaliation for the following:
  - Because you opposed an act violating one of the laws enforced by the EEOC;
  - Because you participated in any way in an investigation or proceeding conducted by the EEOC; or
  - Because you associated with someone protected by one of the laws enforced by the EEOC.

UNFAIR TREATMENT THAT IS NOT DUE TO ONE OR MORE OF THE ABOVE REASONS IS NOT HANDLED BY THE EEOC.

Do you believe that the action taken against you was based on one or more of the above reasons?

Yes [ ] No [ ]

If you answered yes, please be prepared to explain to the Investigator how you were discriminated against and who was treated better than you.

I have read PRE-CHARGE INSTRUCTIONS AND CHECKLIST.

DATE 10-17-00

SIGNATURE

Brenda K. Hurston

